

City Council

Motion Without Notice

MM7.21	ACTION			Ward: 11
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393 Harbord Street - Representation at a Toronto Local Appeal Body Hearing - by Councillor Mike Layton, seconded by Councillor Joe Cressy

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Mike Layton, seconded by Councillor Joe Cressy, recommends that:

1. City Council authorize and direct the City Solicitor, and any other appropriate City staff to attend the Toronto Local Appeal Body hearing for 393 Harbord Street to request a condition be imposed with respect to the building depth of the third storey as shown in Application B0090/18TEY, A0962/18TEY, A0963/18TEY.
2. City Council authorize the City Solicitor to retain outside consultants as necessary.
3. City Council authorize the City Solicitor to attempt to negotiate a resolution of the appeal and, if a resolution is reached, to settle the appeal at the City Solicitor's discretion, and in consultation with the Ward Councillor and the Chief Planner and Executive Director, City Planning.

Summary

The applicant applied to the Committee of Adjustment (Application B0090/18TEY, A0962/18TEY, A0963/18TEY) (the "Application") to sever the lot into two residential lots and to create a mutually accessible right-of-way, with associated variances. The application proposes a new four-storey semi-detached dwelling with a rear integral garage, rear second and third storey decks, and a front fourth storey balcony on each of the severed lots. The requested variances are with respect to floor space index, soft landscaping, driveway width, building type, setback from a lane, lot frontage, building height, first storey height, rear setback, penetration into the angular plane, and front setback. City Planning staff expressed concern with respect to the depth of the third storey in a report (February 25, 2019) from the Director, Community Planning, Toronto and East York District (attached). At its hearing on March 6, 2019, the Committee of Adjustment refused the Application (the "Decision"), which is attached to this Motion.

The applicant has appealed the Decision to the Toronto Local Appeal Body. This Motion will authorize the City Solicitor, and appropriate City Staff to attend the Toronto Local Appeal Body in order to request the Toronto Local Appeal Body limit the building depth of the third storey. This Motion will give the City Solicitor authority to negotiate a settlement of the appeal and retain outside consultants, as necessary.

This matter is time sensitive and urgent as the Decision has been appealed and the City Solicitor requires instructions to attend the hearing in support of its position.

Background Information (City Council)

Member Motion MM7.21

Committee of Adjustment Toronto and East York Panel Notices of Decision on Consent/Minor Variances for 393 Harbord Street

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-133098.pdf>)

(February 25, 2019) Report from the Director, Community Planning, Toronto and East York District on 393 Harbord Street

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-133111.pdf>)